

DANIEL G. BOGDEN
United States Attorney
District of Nevada

ROGER WENTHE
Assistant United States Attorney
United States Attorney's Office
333 Las Vegas Boulevard So., Suite 5000
Las Vegas, Nevada 89101
Tel: 702-388-6336
Fax: 702-388-6787

Email: roger.wenthe@usdoj.gov

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BURNELL MORRISON,

Defendant.

Case No. CR-S-99-216-PMP

**MOTION FOR SUPPLEMENTARY
PROCEEDINGS (EXAMINATION OF
JUDGEMENT DEBTOR)**

The United States of America, by and through Daniel G. Bogden, United States Attorney, and Roger Wenthe, Assistant United States Attorney, moves this Honorable Court for an order requiring defendant, Burnell Morrison, to appear before a United States Magistrate Judge at a time and place to be set by the court for examination supplementary to judgment pursuant to Rule 69 of Fed. R. Civ. P., 28 U.S.C. § 3105, and N.R.S. 21.270.

POINTS AND AUTHORITIES

The Federal Debt Collection Procedure Act is “the exclusive civil procedures for the United States ... to recover a judgment on a debt.” 28 U.S.C. § 3001(a)(1)). A debt is an amount owed “to the United States on account of ... [an] other source of indebtedness to the United States” 28 U.S.C. § 3002(3)(B). A judgment is “a judgment ... entered in favor of the United States in a court and arising

1 from a ... criminal proceeding” 28 U.S.C. § 3002(8). A criminal money judgment against a defendant
2 is a judgment entered as a debt in favor of the Government. *See* 28 U.S.C. §§ 3001(a)(1), 3002(3)(B)
3 and (8), 3201, and 3202(a). The creation, duration, and renewal of judgment liens are part of Subchapter
4 C. *See* 28 U.S.C. §§ 3201 and 3202(a). Since judgments include criminal money judgments, the
5 judgment lien is good for 20 years and can be renewed for another 20 years. *See* 28 U.S.C. §§ 3002(8),
6 3201, and 3202(a).

7
8 This motion is based upon the attached Declaration and the pleadings and papers on file herein.

9 DATED this 31 day of December, 2014.

10 DANIEL G. BOGDEN
11 United States Attorney

12 /s/ Roger Wenthe
13 ROGER WENTHE
14 Assistant United States Attorney
15
16
17
18
19
20
21
22
23
24
25
26

DECLARATION

FOR MOTION FOR SUPPLEMENTARY PROCEEDINGS
(EXAMINATION OF JUDGMENT DEBTOR)

STATE OF NEVADA)
)
COUNTY OF CLARK)

Mary Booker, declares pursuant to 28 U.S.C. §1746 under penalty of perjury that the foregoing is true and correct.

1. I am a Legal Assistant in the Financial Litigation Unit for the United States Attorney's Office, District of Nevada. I have custody of the records in this office pertaining to this collection matter.
2. Judgment was entered, for the plaintiff and against defendant on, December 14, 1999, for the sum of \$425,820.35, together with interest thereon from the date of judgment and court costs.
3. Burnell Morrison resides within the jurisdiction of this Court.
4. The judgment has not been satisfied, vacated, reversed, or barred by the Statute of Limitations, and is one on which execution may properly issue.
5. The judgment remains unpaid.

/s/ Mary Booker
Mary Booker
Legal Assistant
Financial Litigation Unit

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BURNELL MORRISON,

Defendants.

Case No. CR-S-99-216-PMP

**ORDER FOR SUPPLEMENTARY PROCEEDINGS OF JUDGMENT
DEBTOR EXAMINATION**

On plaintiff's motion and good cause appearing, the defendant, Burnell Morrison, is hereby
Ordered to appear before the United States Magistrate in courtroom 3D, Lloyd D. George Federal
Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, on the 5th
day of February, 2015 at 10:0 a.m. to then and there answer upon oath concerning the
property of the defendant and for such other proceedings as there may occur consistent with proceedings
supplementary to execution.

It is further ordered that you, the defendant, bring to the hearing the following:

1. Your three most recent federal income tax returns with their attachments.
2. Copies of all personal and business financial statements concerning checking and savings accounts for the past twelve months.
3. A copy of the titles to all you and your spouses' vehicles, automobiles, boats, aircraft, etc
4. Copies of your earnings statements (i.e. paychecks) for the past twelve months.
5. Copies of your bills for the past twelve months to verify statements on the financial form.

1 It is further ordered that a copy of this order shall be served upon the defendant by the
2 United States Marshall or private process service at least 21 calendar days before the
3 hearing scheduled herein.

4 Failure to appear may subject you, the defendant, to punishment for contempt of court.

5
6 DATED this 18th day of December 2014.

7
8 

9
10 United States Magistrate Judge

11
12 SUBMITTED BY:

13 DANIEL G. BOGDEN
14 United States Attorney

IT IS FURTHER ORDERED that the Government is responsible for creating an efficient record of the Judgment Debtor Examination on February 5, 2015 at 10:00 a.m.

15 /s/ Roger Wenthe
16 ROGER WENTHE
Assistant United States Attorney

IT IS FURTHER ORDERED that service of process must be lodged with the court by January 23, 2015.

17
18
19
20
21
22
23
24
25
26